

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

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**JAMES A STEPHENS, III**

**Plaintiff,**

**v.**

**CASE NO: 2:07-CV-473-ID**

**CITY OF MONTGOMERY, et al.,**

**Defendant.**

**MOTION TO SHOW CAUSE  
WHY THE DEFENDANTS  
SHOULD NOT BE HELD IN CONTEMPT OF COURT**

**COMES NOW** James A. Stephens, III, in the above styled cause and shows unto the Court the following facts as basis for which relief is hereinafter prayed, to wit:

1. This Honorable Court issued an Order on June 1, 2007 stating that the "Defendants are under order to file a special report to include relevant affidavits, records, and rules, regulations, and/or guidelines in response to the allegations presented by Plaintiff. . ."

2. The Defendants did in fact file a special report, but it did not include records, rules, regulations, and/or guidelines specific to the allegations as presented by the Plaintiff.

3. The Plaintiff feels this Court is in need of those records which show the number of inmates in the city/federal holding cell in order to fully understand the Eighth and Twelfth Amendments violations.

4. This Plaintiff also feels the Court will also need to know rules, regulations, and guidelines specific to the housing of inmates.

5. The fire marshall's reports would determine if the numbers are correct and in compliance with the city codes in the event there should be a natural disaster or fire, and if they are truly in compliance, not just stated, but actual proof in writing.

6. Additionally, the Defendants should address the issue of why there are federal inmates housed in the City jail when there is severe over crowding over a long period of time. If this is a question of money, how much money is the City receiving to house these inmates? How much money is the City receiving to house these over-flow inmates into the Federal/City Jail or gymnasium floor?

7. Although the Plaintiff's motion regarding some discovery was denied, the Defendants were ordered to comply in Document 14, and they have not fully complied.

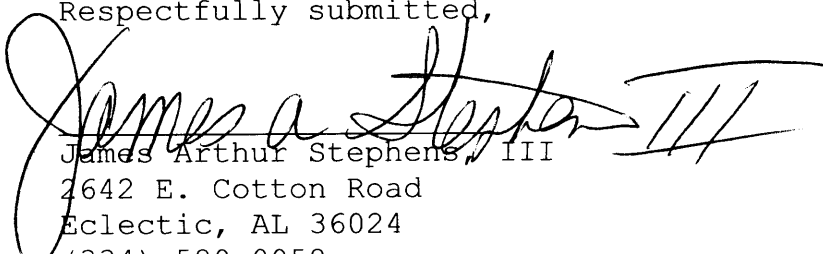
**WHEREFORE THE PREMISES CONSIDERED,** Petitioner prays:

- A. Pursuant to the Order issued on June 1, 2007, Document 14, the Plaintiff hereby requests that the Defendants be Ordered to furnish rules, regulations, and/or guidelines (handbook) pertaining to the allegations in this case.
- B. The Plaintiff also requests of this Honorable Court that the Fire Marshall's report be furnished so that the Court can cross reference total numbers of

incarcerated inmates.

C. Petitioner prays for such other, further, and different relief, including general relief, to which in the premises he has shown himself entitled.

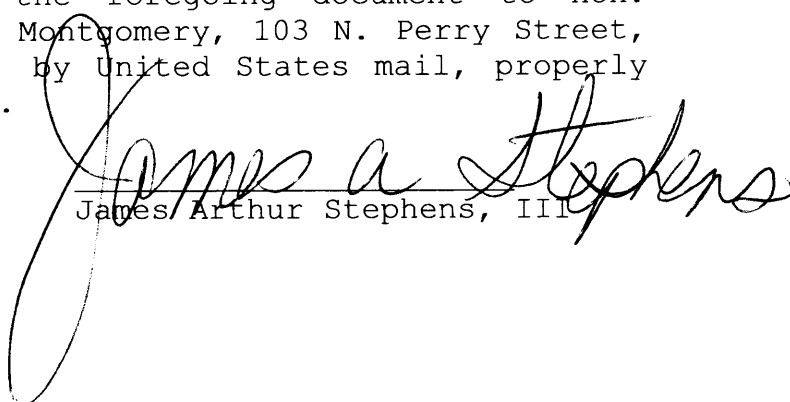
Respectfully submitted,



James Arthur Stephens, III  
2642 E. Cotton Road  
Eclectic, AL 36024  
(334) 580-0058

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 23rd day of July 2007, mailed a copy of the foregoing document to Hon. Kimberly O. Fehl, City of Montgomery, 103 N. Perry Street, Montgomery, Alabama 36104, by United States mail, properly addressed, postage prepaid.



James Arthur Stephens, III

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JAMES A STEPHENS, III**

**Plaintiff,**

**v.**

**CASE NO: 2:07-CV-473-ID**

**CITY OF MONTGOMERY, et al.,**

**Defendant.**

**ORDER  
ON MOTION TO SHOW CAUSE  
WHY THE DEFENDANTS  
SHOULD NOT BE HELD IN CONTEMPT OF COURT**

The Plaintiff filed a Motion To Show Cause Why The Defendants Should Not Be Held in Contempt of Court. The Magistrate Judge has reviewed the Motion and determined that additional information is required to make a fully informed decision regarding this matter. Accordingly, it is hereby

**ORDERED** that:

1. The Defendants shall comply completely with Document 14, which states that the **“Defendants are under order to file a special report to include relevant affidavits, records, and rules, regulations, and/or guidelines in response to allegations presented by Plaintiff in the instant complaint, as amended.”**

2. The Defendants shall furnish to the Plaintiff and this Court a) records of the City/Federal Jail pertaining to all inmates for one (1) year; b) rules and procedures pertaining to the housing of inmates; c) regulations regarding inmates and total numbers allowable by the Fire Marshall’s department; d) Guidelines of the jail regarding inmates; and e) other pending cases that should be considered by this Court at the same time.

3. The Defendants shall furnish the above documents by August 1, 2007 or penalties by this Court.

Done this \_\_\_\_ day of July 2007.

/s/ Charles S. Coody

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CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE